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ACTION OES-04

INFO OCT-01 EUR-12 ISO-00 CG-00 DOTE-00 AID-05 CEQ-01

CIAE-00 COA-01 COME-00 DODE-00 EB-04 EPA-01 INR-05

IO-10 L-02 NSF-01 NSC-05 NSAE-00 PM-03 RSC-01 SS-15

SP-02 FEAE-00 INT-05 DLOS-03 ACDA-05 OMB-01 OIC-02

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FM AMEMBASSY OSLO

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AMEMBASSY PARIS

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E.O. 11652: N/A

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SUBJECT: OSLO OCEAN DUMPING CONVENTION COMMISSION HOLDS
FIRST MEETING IN OSLO

REF: (A) OSLO 4131 (B) STATE 208039

SUMMARY: COMMISSION OF THE OSLO OCEAN DUMPING
CONVENTION COMMISSION HELD ITS FIRST MEETING
IN OSLO OCT. 29-31 TO ORGANIZE ITSELF AND AGREE
ON FUTURE STEPS TO IMPLEMENT CONVENTION. COM-
MISSION AGREED ON CHAIRMAN AND PROCEDURES AND
SET UP SMALL SECRETARIAT. IT ALSO AGREED TO
MERGE ITS EFFORTS LATER WITH PARIS LAND BASED
SOURCES CONVENTION AND CONSIDERED ITS OWN RELATIONSHIP
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TO LONDON CONVENTION. IT SET OUT PROCEDURES FOR

PRIOR CONSULTATION, AGREED UPON SCIENTIFIC ADVISORY BODY, CONSIDER OBSERVERS FROM OUTSIDE PARTIES AND MENTIONED THE POSSIBILITY OF BROADENING LINKS WITH NON-PARTY STATES. THE COMMISSION'S NEXT MEETING IS LIKELY TO BE IN LONDON NEXT FALL. IN VIEW OF DIRECTIONS OSLO GROUPS APPEARS TO BE MOVING, DEPARTMENT MAY WISH TO CONSIDER STEPS WHICH MAY BE TAKEN TO HARMONIZE OSLO AND LONDON CONVENTION AND U.S. OCEAN DUMPING WORK.
END SUMMARY

1. FIRST MEETING OF THE COMMISSION OF THE 13 NATIONS PARTY TO THE OSLO OCEAN DUMPING CONVENTION WAS HELD IN OSLO OCTOBER 29-31 TO ESTABLISH ORGANIZATION, PROCEDURES AND FUTURE ACTIVITIES NEEDED TO IMPLEMENT CONVENTION. NORWEGIANS BRIEFED EMBOFF ON DETAILS OF THE MEETING.

2. NORWAY'S ENVIRONMENT MINISTER GRO HARLEM BRUNDTLAND WELCOMED SOME 60 DELEGATES FROM MEMBER COUNTRIES AND OBSERVERS FROM TWO INTERNATIONAL ORGANIZATIONS -- OCES AND EC.

3. ORGANIZATION: MEETING WHICH WAS DEVOTED HEAVILY TO HOUSEKEEPING CHORES, ELECTED NORWEGIAN ENVIRONMENT MINISTRY DIRECTOR GENERAL FOR ORGANIZATION AND ADMINISTRATION, ERIC LYKKE, AS CHAIRMAN OF COMMISSION FOR TWO YEAR TERM BEGINNING JANUARY 1 AGREED ON DISTRIBUTION OF COMMISSION COSTS (EACH COUNTRY WILL PAY 2.5 PERCENT OF TOTAL FOR 35 PERCENT AND REST PAID ACCORDING TO FORMULA BASED ON GNP); AND DECIDED TO MEET ONCE OR TWICE ANNUALLY AND ROTATE MEETINGS TO DIFFERENT PARTY CAPITALS. NEXT YEAR'S SESSION IS LIKELY TO BE HELD IN LONDON DURING FALL. CONSIDERATION WAS GIVEN BUT NO FINAL DECISION REACHED ON APPOINTING PERMANENT NATIONAL REPRESENTATIVES TO COMMISSION.

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4. OSLO AND PARIS CONVENTIONS: COMMISSION AGREED TO MERGE THE WORK OF THE OSLO CONVENTION WITH THAT OF THE PARIS CONVENTION ON LAND BASED POLLUTION SOURCES WHEN LATTER COMES INTO EFFECT. A SINGLE SECRETARIAT AND POSSIBLY LATER A SINGLE CHAIRMAN AND JOINT MEETINGS WOULD BE ESTABLISHED TO HANDLE BOTH. OSLO CONVENTION IS NOW IN EFFECT BUT PARIS CONVENTION WILL PROBABLY NOT BE FULLY

OPERATIVE FOR THREE YEARS. WHILE PARIS CONVENTION CONVERTS MORE AND DIVERSE POLLUTION SOURCES AND WOULD LIKELY BE MORE DIFFICULT TO HANDLE, ITS PROVISIONS ARE WEAK. FOR TIME BEING SECRETARIAT RESPONSIBILITIES FOR COMMISSION WILL BE LODGED IN PERSON OF MR. G. F. BUXTON OF UK MINISTRY OF FISHERIES. ADDITIONAL HELP WILL HAVE TO BE ADDED LATER.

5. OSLO AND LONDON CONVENTIONS: ORGANIZATION AND ADMINISTRATION OCCUPIED MOST OF SESSION, BUT SOME DISCUSSION OF SUBSTANTIVE ISSUES TOOK PLACE. RELATIONSHIP OF OSLO CONVENTION AND LONDON OCEAN DUMPING CONVENTION WAS CONSIDERED BRIEFLY. COMMISSION CHOSE NOT TO GO DEEPLY INTO LEGAL COMPLEXITIES BUT AGREED THAT IN CONFORMANCE INTERNATIONAL LAW THE PROVISIONS OF THE STRICTEST CONVENTION WOULD APPLY TO THE PARTIES AND IN MOST CASES OSLO CONVENTION WAS NOW STRICTER. OSLO PARTIES AGREED TO CONSULT ON THIS ON CASE BY CASE BASIS SO AS TO REACH AGREED INTERPRETATION AND APPLICATION OF CONVENTIONS.

6. PROCEDURE FOR PRIOR CONSULTATION: ON KEY AGREEMENT OF MEETING WAS ON PROCEDURE OF PRIOR CONSULTATION WITHIN COMMISSION IN CASE THERE WAS DOUBT ABOUT TOXICITY OF SUBSTANCES ON CONVENTION BLACK LIST. IN SUCH CASE PARTY WOULD INFORM COMMISSION SECRETARY BEFORE DUMPING; ANOTHER COMMISSION MEMBER COULD OBJECT TO DUMPING AND ISSUE WOULD BE CONSIDERED WITHIN COMMISSION OR SPECIAL MEETING AND IN MEANTIME, WITH EXCEPTION OF THOSE CASES INVOLVING EMERGENCIES, PROSPECTIVE LIMITED OFFICIAL USE

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DUMPER WOULD DEFER DUMPING UNTIL MATTER WAS RESOLVED.

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7. SCIENTIFIC ADVISORY BODY AND MONITORING:
MEETING AGREED TO ESTABLISH A STANDING WORKING
GROUP OF ONE REPRESENTATIVE OF EACH PARTY
TO ADVISE ON TECHNICAL AND SCIENTIFIC QUESTIONS.
IT NAMED THE INTERNATIONAL COMMISSION FOR THE
SCIENTIFIC EXPLORATION OF THE SEAS (ICES) TO
ADVISE IT ON QUESTIONS RELATING TO LIVING
RESOURCES AND WOULD TURN TO WHO ON HEALTH MATTERS.
GROUP AGREED THAT ICES SHOULD BE ASKED TO COOR-
DINATE ENVIRONMENT MONITORING REQUIREMENTS IN
CONVENTION AREA AND INITIATE BASE LINE STUDY
OF SPECIFIC POLLUTANTS IN AREA.

8. OBSERVERS AND BROADENED COOPERATION: ICES
AND EC PARTICIPATED AS ONLY OBSERVERS. NO NON-
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PARTY GOVERNMENTS TOOK PART. MEETING
AGREED THAT COMMISSION'S RULES OF PROCEDURES
PERMITTED NATIONAL OBSERVERS. BUT SINCE THESE
RULES SUGGESTED THAT SUCH OBSERVERS WOULD TAKE
PART IN CASES WHERE THEY HAD AN INTEREST, IT WAS
NOT WHOLLY CLEAR IF THIS MEANT NATIONAL OBSER-
VERS COULD ATTEND ENTIRE SESSION OF COMMISSION.

NORWEGIANS AGREED WITH EMBOFF THAT OBSERVERS WERE IMPORTANT TO FUTURE HARMONIZATION OF OCEAN DUMPING ACTIVITIES AND URGED THAT US AND OTHER INTERESTED COUNTRIES SHOULD REQUEST OBSERVER STATUS AT NEXT COMMISSION MEETING.

9. BROADENING OF CONVENTION ACTIVITIES WAS NOT SUBJECT OF FULL DISCUSSION THOUGH MINISTER HARLEM BRUNDTLAND IN OPENING ADDRESS STATED THAT TRANS-ATLANTIC COOPERATION WOULD PROVIDE EFFECTIVE PROTECTION TO THE WHOLE NORTH ATLANTIC AND SHOULD BE THE NEXT STEP. SHE SAID: "SUCH AN ARRANGEMENT WOULD IDEALLY INCLUDE ALL THE INDUSTRIALIZED NATIONS ON THE NORTH ATLANTIC. WE FOR OUR PART WOULD LIKE TO EXPLORE THIS FURTHER WITH ALL COUNTRIES CONCERNED."

10. ADDITIONAL SUBJECTS. DURING MEETING NETHERLANDS ASKED FOR INFORMATION ON HOW OTHER MEMBERS HANDLE DUMPING OF MUNITIONS; THE COMMISSION AGREED THAT INCINERATION OF WASTES AT SEA FALL UNDER CONVENTION AND NEEDED FURTHER STUDY; AND REPORTS WERE DELIVERED ON DUMPING PERMIT FORMS, DEFINITIONS OF SIGNIFICANT QUANTITIES, NON-TOXIC AND TRACE CONTAMINANTS, AND DUMPING OF ORE WASTES AND CHLORINATED ORGANIC COMPOUNDS.

11. EVALUATION. NORWEGIANS FELT FIRST MEETING WENT WELL AND THAT ALL STATES WERE SEEKING TO ABIDE BY CONVENTION. MOST HAD IMPLEMENTING LEGISLATION IN PLACE RANGING FROM STRONG DUTCH LAWS TO WEAKER FRENCH RULES. BUT REGULATIONS WERE NOT FULLY DEVELOPED NOR WAS ENFORCEMENT LIMITED OFFICIAL USE

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NOW WHAT IT SHOULD BE.

12. EMBASSY HOPES TO GET MINUTES OF MEETING PROBABLY ON CONFIDENTIAL BASIS AND WILL FORWARD TO DEPT IF DESIRED.

13. COMMENT: IF COMMISSION MEETING IS INDICATIVE, IT APPEARS OSLO CONVENTION GROUP WILL HAVE ACQUIRED MUCH EXPERIENCE AND DEVELOPED SOME FIRM IDEAS ON HOW OCEAN DUMPING SHOULD BE HANDLED BEFORE LONDON CONVENTION BECOMES FUNCTIONAL. FACING THIS PROSPECT, DEPARTMENT AND OTHER US AGENCIES MAY WANT TO CONSIDER HOW THE NEED AND POSSIBLE STEPS FOR HARMONIZING APPROACHES

AND MAKING COMPATIBLE OSLO AND LONDON CONVENTIONS
AND OUR OWN NATIONAL EFFORTS IN OCEAN DUMPING.
SUCH STEPS MIGHT INCLUDE (1) MAKING SURE THAT
OSLO CONVENTION PARTIES AND COMMISSION HAVE
FULL POLICY AND TECHNICAL INFORMATION ON U.S.
OCEAN DUMPING LEGISLATION AND REGULATIONS;
(2) CONSIDERING VALUE OF ESTABLISHING INTER-
NATIONAL TECHNICAL WORKING GROUPS IN OECD OR
UNDER UNEP TO DEVELOP AGREED CRITERIA, EFFECTS
DATA, RESEARCH AND MONITORING PROGRAMS; (3)
SEEKING TO ESTABLISH INFORMAL OR FORMAL LINKS
AND INFORMATION EXCHANGE WITH OSLO CONVENTION COMMISSION.
DEPT MAY ALSO WANT TO REVIEW AGAINST DEVELOPMENTS
AT OSLO MEETING AND SUGGESTION BY MINISTER
HARLEM BRUNDTLAND (PARA 9) ITS EARLIER INTER-
AGENCY CONSIDERATION OF NEED FOR A BROADER LAND-
BASED SOURCES CONVENTION.
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